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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,708	11/11/2003	Eric C. Hayden	DP-309773	6391

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EXAMINER

EDELL, JOSEPH F

ART UNIT PAPER NUMBER

3636

DATE MAILED: 10/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/705,708	Applicant(s) HAYDEN ET AL.	
	Examiner Joseph F. Edell	Art Unit 3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2006.
2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
4a) Of the above claim(s) 3-7, 12 and 20-24 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1, 2, 8-11, and 13-19 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. [1] as follows:

The later-filed application must be an application for a patent for an invention which is also disclosed in the prior application (the parent or original nonprovisional application or provisional application). The disclosure of the invention in the parent application and in the later-filed application must be sufficient to comply with the requirements of the first paragraph of 35 U.S.C. 112. See *Transco Products, Inc. v. Performance Contracting, Inc.*, 38 F.3d 551, 32 USPQ2d 1077 (Fed. Cir. 1994).

The disclosure of the prior-filed application, Application No. 60/447,489, fails to provide adequate support or enablement in the manner provided by the first paragraph of 35 U.S.C. 112 for one or more claims of this application. The securing of the anchor frame to a frame of a vehicle seat and the brackets extending through a juncture gap between back and bottom cushions.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the

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art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 9 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification does not recite or imply that control unit is operative to generate an output signal as a function of the occupant weight output signal and the tension sensor output signal. Specification sets forth that an occupant's weight may be sensed by pressure sensor 14. However, no integration or evaluation of the weight output signal and the tension sensor output signal in conjunction with one another has been recited. How do the two signals combine to generate an output signal? What is this output signal utilized to control as a function of occupant's weight?

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2, 8, 10, 11, and 13-19, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,419,199 B1 to Skofljanec et al. in view of U.S. Patent No. 6,371,516 B1 to Miyagawa.

Skofljanec et al. disclose an apparatus that is basically the same as that recited in claims 1, 2, 8, 10, 11, and 13-19, as best understood, except that the apparatus lacks an anchor frame secured to a frame of the vehicle seat, as recited in the claims. See Figures 1-5b of Skofljance et al. for the teaching that the apparatus has first and second laterally spaced child seat anchor brackets 7 straddling a child seat in proximity a bottom cushion to tensively secure tethers 3, a frame extending across a lateral width dimension of a vehicle seat and secured to the vehicle seat, a tension sensor or plurality of tension sensor 19 securing the first child seat anchor to a first end of the frame, and means securing a second child seat anchor to a second end of the frame wherein the tension sensors provide output signals to a electronic control unit, each include a first portion rigidly secured to the frame and a second portion integral with a respective child seat anchor bracket, and provide an associated tension sensor output signal.

Miyagawa shows an apparatus similar to that of Skofljanec et al. wherein the anchor brackets 22A (see Fig. 2) in a gap between back and bottom cushions and sensors 32 are secured to an anchor frame 20 extending across a lateral width dimension of a vehicle seat and secured to a frame 16 (Fig. 1) of the vehicle sea, the anchor frame has surface contours (the C-shape) for enhanced stiffness, and the securing brackets of the anchor frame form pocket areas for receiving the brackets. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Skofljanec et al. such that the frame includes an anchor frame extending across a lateral width dimension of the vehicle seat and secured to a frame of the vehicle seat, and pocket area adjacent lateral ends of the anchor frame

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capable of securing the anchor frames wherein the brackets extend between a gap between back and bottom cushions, and the anchor frame defines contours therein, such as the apparatus disclosed in Miyagawa. One would have been motivated to make such a modification in view of the suggestion in Miyagawa that the anchor frame and vehicle seat frame provides a conventional ISO-FIX anchor connection.

Although the surface contour of Skofljanec et al., as modified, discloses a single depression, the duplication of parts for a multiplied effect has not patentable significance. Therefore, it would have been well within the purview and obvious to one of ordinary skill in the art at the time the invention was made to provide a plurality of laterally spaced depressions in the anchor frame for enhancing stiffness, as recited in claim 16.

Claim 1 uses "means securing said second child seat anchor bracket to a second end of said anchor frame," which fails to invoke 35 U.S.C. 112, sixth paragraph, because it does not meet the three prong analysis set forth in MPEP § 2181.

Response to Arguments

6. Applicant's arguments filed 17 July 2006 have been fully considered but they are not persuasive. With respect to Applicant's claimed priority to provisional application 60/447,489, Applicant argues that provisional application teaches securing the anchor plate to the seat frame on page 1, lines 19-21. However, this section merely teaches the sensors are secured to the anchor frame of the child seat and does not teach the anchor frame is secured to a frame of the vehicle seat, as recited in claim 1.

With respect to the 35 U.S.C. § 112, first paragraph, rejection, Applicant presumably argues that the current amendments renders the rejection moot. However, the specification does not teach or imply any output signal being a function of the occupant weight output signal and the tension sensor output signal. Therefore, this rejection is maintained.

With respect to the 35 U.S.C. § 103(a) rejection as being unpatentable over Skofljanec et al. in view of Miyagawa, Applicant argues neither reference teaches a tension sensor, but teaches a position sensor. However, the Hall effect sensors of Skofljanec et al. senses movement of the biased slider when put under tension. Therefore, the sensor of Skofljanec et al. meets the broadest reasonable interpretation of a tension sensor. If structural features regarding the sensor are taught in the instant application, Applicant should incorporate these features.

Please note that on page 2, lines 1-2 of Remarks filed 17 July 2006, Applicant states a control unit is inherently required for an occupant detection system factoring applied force and tether strap tension. If this is inherent, than any claim limitations toward this system shall be rejected as obvious to one of ordinary skill in the art.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (571) 272-6858. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JE

October 2, 2006



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